



CASE NO. CR12968 COUNT All  
INCIDENT NO./TRN: 9066662867 - A001

THE STATE OF TEXAS § IN THE 266TH DISTRICT  
V. § COURT  
WILLIAM LEON FENOGLIO § ERATH COUNTY, TEXAS  
STATE ID No.: TX03757927 §

## JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding:	HON. DONALD R. JONES	Date Judgment Entered:	12/17/2009
Attorney for State:	JASON CASHON OR STERLING HARMON	Attorney for Defendant:	R. SHAY ISHAM
<u>Offense for which Defendant Convicted:</u> LESSER-INCLUDED OFFENSE OF SECURITIES FRAUD (AGGREGATE) (\$10,000.00 TO \$100,000)			
<u>Charging Instrument:</u> INDICTMENT		<u>Statute for Offense:</u> Article 581-29(c)(1)(2)(3)(4)(c); Article 581-29-2 Texas Revised Civil Statutes	
<u>Date of Offense:</u> 12/30/2005 01/24/2006, 01/25/2006, 3/22/2006, 4/6/2006 & 7/3/2006			
<u>Degree of Offense:</u> 2ND DEGREE FELONY	<u>Plea to Offense:</u> GUILTY	<u>Findings on Deadly Weapon:</u> N/A	
<u>Terms of Plea Bargain:</u> N/A			
<u>Plea to 1<sup>st</sup> Enhancement Paragraph:</u>	N/A	<u>Plea to 2<sup>nd</sup> Enhancement/Habitual Paragraph:</u>	N/A
<u>Findings on 1<sup>st</sup> Enhancement Paragraph:</u>	N/A	<u>Findings on 2<sup>nd</sup> Enhancement/Habitual Paragraph:</u>	N/A
<u>Date Sentence Imposed:</u>	12/17/2009	<u>Date Sentence to Commence:</u>	12/17/2009
<u>Punishment and Place of Confinement:</u>	6 YEARS INSTITUTIONAL DIVISION, TDCJ		

THIS SENTENCE SHALL RUN CONCURRENTLY.

☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR YEARS.

<u>Fine:</u>	<u>Court Costs:</u>	<u>Restitution:</u>	<u>Restitution Payable to:</u>
\$ N/A	\$ 312.00	\$ 92,000.000	<input checked="" type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)

Sex Offender Registration Requirements do not apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was N/A

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

Time Credited:	From 3/20/2008 to 3/25/2008	From to	From to
	From to	From to	From to

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

N/A DAYS NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Erath County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

- ☒ Defendant appeared in person with Counsel.  
☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.  
 Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above.  
 The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to



stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.

The Court FINDS Defendant committed the above offense and ORDERS, ADJUDGES AND DECREES that Defendant is GUILTY of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court ORDERS Defendant punished as indicated above. The Court ORDERS Defendant to pay all fines, court costs, and restitution as indicated above.

**Punishment Options (select one)**

☒ **Confinement in State Jail or Institutional Division.** The Court ORDERS the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the Director, Institutional Division, TDCJ. The Court ORDERS Defendant to be confined for the period and in the manner indicated above. The Court ORDERS Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court ORDERS that upon release from confinement, Defendant proceed immediately to the Erath County District Clerk. Once there, the Court ORDERS Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court ORDERS Defendant immediately committed to the custody of the Sheriff of Erath County, Texas on the date the sentence is to commence. Defendant shall be confined in the Erath County Jail for the period indicated above. The Court ORDERS that upon release from confinement, Defendant shall proceed immediately to the Erath County District Clerk. Once there, the Court ORDERS Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a FINE ONLY. The Court ORDERS Defendant to proceed immediately to the Office of the Erath County District Clerk. Once there, the Court ORDERS Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

**Execution / Suspension of Sentence (select one)**

☒ The Court ORDERS Defendant's sentence EXECUTED.

☐ The Court ORDERS Defendant's sentence of confinement SUSPENDED. The Court ORDERS Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

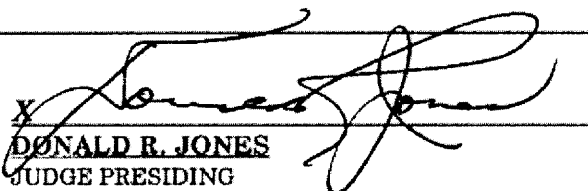
The Court ORDERS that Defendant is given credit noted above on this sentence for the time spent incarcerated.

**Furthermore, the following special findings or orders apply:**

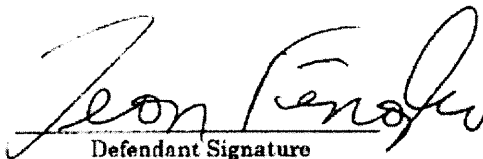
Restitution in the amount of \$92,000.00 as follows: \$30,000.00 to James & Carol Hickman, 30785 State Hwy 59, Bowie, TX 76230, (940)872-3573; \$20,000.00 to Vance & Barbara Smith, PO Box 823, Stephenville, TX 76401, (254)968-4556; \$20,000.00 to Marjorie Berry, 476 CR 505, Stephenville, TX 76401, (254)968-8589; \$12,000.00 to D.K. & Lela Futtrell, 6850 Hwy 277 South, Abilene, TX 79608, (325)698-1758; \$10,000.00 to Bruce & Virginia Stovall, 16850 IH 20, Cisco, TX 76437, (254)442-4725.

THE DEFENDANT HAS WAIVED APPEAL.

Signed and entered on December 17, 2009

  
DONALD R. JONES  
JUDGE PRESIDING

Clerk: Wanda Pringle

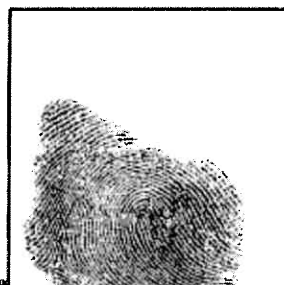
  
Defendant Signature

FILED FOR RECORD

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M

DEC 17 2009

  
CLERK DISTRICT COURT ERATH COUNTY, TEX



## CAUSE NO. CR12968

THE STATE OF TEXAS

§

IN THE DISTRICT COURT

VS

§

266TH JUDICIAL DISTRICT

WILLIAM LEON FENOGLIO

§

ERATH COUNTY, TEXAS



**WAIVER OF JURY TRIAL AND  
OPEN PLEA TO COURT ON LESSER-INCLUDED OFFENSE**

TO THE HONORABLE JUDGE OF SAID COURT:

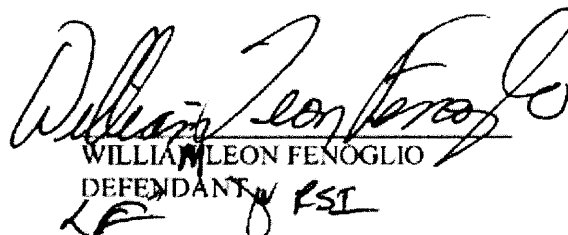
COMES NOW Defendant in the above titled case, standing accused of a felony offense herein, and announces that he will plead Not Guilty to the indicted offense but instead to the lesser-included offense of Securities Fraud (Aggregated)(\$10,000 to \$100,000), a second degree felony, and in Open Court waives his rights to the following:

- (1) Arraignment in Open Court, and reading of the Indictment upon trial on this cause, and states that he and his attorney have reviewed the Indictment and that he, WILLIAM LEON FENOGLIO, Defendant, understands the allegations contained therein. *L.P. RSI*
- (2) Trial by jury herein, and requests that the Court consent to and accept his waiver of right to trial by jury.

APPROVED:




R. Shay Isham  
Attorney for Defendant  
Bar Card No. 00795445



WILLIAM LEON FENOGLIO  
DEFENDANT *L.P. RSI*

\*\*\*\*\*  
COMES NOW the District Attorney of Erath County, Texas, and consents to the waiver by Defendant of his right to trial by jury.

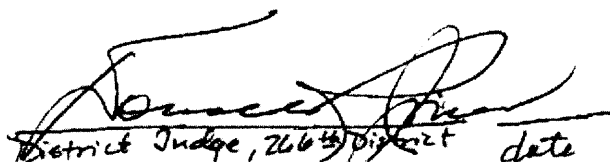
  

Jason Cashon  
District Attorney

By: \_\_\_\_\_  
Assistant District Attorney

**ORDER OF THE COURT**

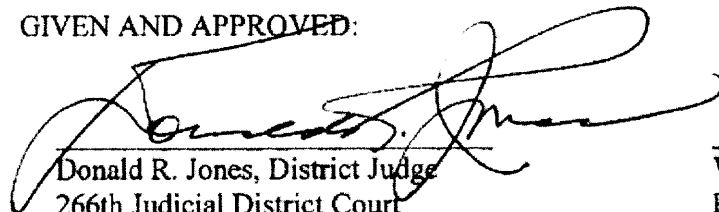
The foregoing Waiver of the Defendant, made by the Defendant in person and in Open Court, of his rights to arraignment, trial by jury, is hereby consented to and approved by the Court.



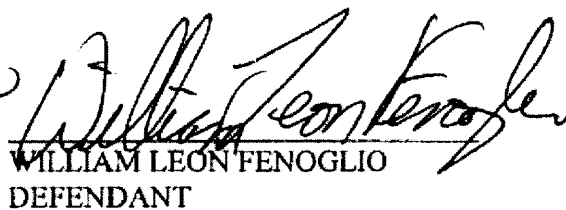
District Judge, 266th District *date*

Signed this the 29<sup>th</sup> day of October, 2009.

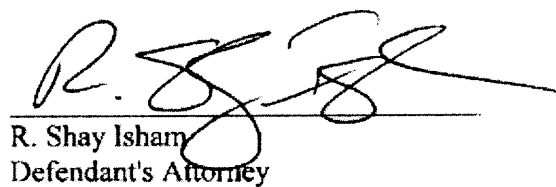
GIVEN AND APPROVED:



Donald R. Jones, District Judge  
266th Judicial District Court  
Erath County, Texas



WILLIAM LEON FENOGLIO  
DEFENDANT



R. Shay Isham  
Defendant's Attorney

**CAUSE NO. CR12968**

<b>THE STATE OF TEXAS</b>	<b>§</b>	<b>IN THE DISTRICT COURT</b>
<b>VS</b>	<b>§</b>	<b>266TH JUDICIAL DISTRICT</b>
<b>WILLIAM LEON FENOGLIO</b>	<b>§</b>	<b>ERATH COUNTY, TEXAS</b>

**STIPULATION OF EVIDENCE TO LESSER-INCLUDED OFFENSE**

NOW COMES, WILLIAM LEON FENOGLIO, the Defendant in the above entitled and numbered cause, in writing and in Open Court, and consents to the stipulation of evidence in this case and in so doing expressly waives the appearance, confrontation, and cross-examination of witnesses. I further consent to the introduction of testimony of affidavits, written statements of witnesses, and other documentary evidence. Accordingly, having waived my Federal and State Constitutional rights against self-incrimination and after having been sworn, upon oath, I judicially confess to the lesser-included offense and the following facts and agree and stipulate that these facts are true and correct and constitute the evidence in this case:

I, WILLIAM LEON FENOGLIO, in the County of Erath and State of Texas on or about the dates listed below, did then and there in said County and State engage in fraud in connection with the offer for sale of "Security Agreements" issued by Fenoglio Insurance Agency for the repayment of investment principal and interest, and the said "Security Agreements" being a security, to-wit: an evidence of indebtedness, to each of the below listed complainants in each of the amounts hereinafter alleged:

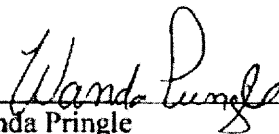
<u>DATE</u>	<u>COMPLAINANT</u>	<u>AMOUNT</u>
December 30, 2005	James Hickman and Carol Hickman	\$30,000
January 25, 2006	Vance Darrell Smith and Barbara Smith	\$20,000
January 25, 2006	Marjorie M. Berry	\$20,000
March 22, 2006	D. K. Futrell and Lela Futrell	\$6,000
April 6, 2006	D. K. Futrell and Lela Futrell	\$6,000
July 3, 2006	Bruce Stovall and Virginia Stovall	\$10,000

by intentionally failing to disclose that I, WILLIAM LEON FENOGLIO and Fenoglio Insurance Agency were then and there in default to one or more previous purchasers of the above described "Security Agreements," the said information being a material fact; and the amounts obtained for the sale of the securities were obtained under one scheme and continuing course of conduct and the aggregate amount obtained was \$10,000 or more but less than \$100,000.

  
WILLIAM LEON FENOGLIO, Defendant

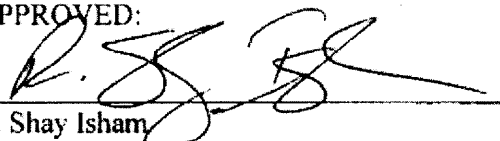
*St. 1*  
*10/29/09*  
*II*

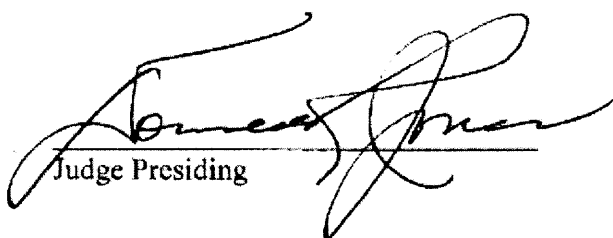
SWORN TO AND SUBSCRIBED before me the undersigned authority on this the 29 day of  
October, 2009.

  
\_\_\_\_\_  
Wanda Pringle  
District Clerk  
Erath County, Texas

By: \_\_\_\_\_ Deputy Clerk

APPROVED:

  
\_\_\_\_\_  
R. Shay Isham  
Attorney for the Defendant

  
\_\_\_\_\_  
Judge Presiding